



STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
OFFICE OF SMART GROWTH

TO: MAYORS, LOCAL PLANNING OFFICIALS AND INTERESTED PARTIES
FROM: MAURA K. MCMANIMON, EXECUTIVE DIRECTOR, OFFICE OF SMART GROWTH
SUBJECT: RULE PROPOSAL IMPLEMENTING MANDATORY EDUCATIONAL TRAINING PROGRAM FOR MUNICIPAL PLANNING AND ZONING BOARD OFFICIALS
DATE: NOVEMBER 16, 2005

As you know, on July 7, 2005, Acting Governor Codey signed into law P.L. 2005, c.133, an act providing for mandatory educational requirements for planning and zoning board members (the Act). The Act placed the Commissioner of the Department of Community Affairs in charge of establishing the standards for the curriculum and administration of a basic course in land use law and planning. The Commissioner charged the Office of Smart Growth (OSG) with these duties. In accordance with the Act, OSG, working with the New Jersey Planning Officials, has prepared draft rules that create and implement the mandatory educational training program. The rule proposal is scheduled to be published in the January 3, 2006 New Jersey Register for comment. I provide you with the following summary to give you and your administration the opportunity to begin considering the impact of this rule, form comments to the rule proposal (if any), and identify what steps need to be taken to meet the mandatory requirements. As always, OSG staff is available to offer assistance to your community to accomplish this mandate, once adopted.

Summary

The Department of Community Affairs proposes a new rule in response to the recent enactment of the "Mandatory Education Bill for Planning and Zoning Board Members" (N.J.S.A. 40:55D-23.3 and 23.4). The Act requires the Department of Community Affairs to have created and implemented a mandatory course in land use law and planning for current and prospective members and alternate members of local planning and zoning boards. The course will provide a basic understanding of the role and responsibilities of members and alternate members of municipal planning boards, zoning boards of adjustment and combined boards as set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. (MLUL).

The rule establishes a core curriculum for the basic course. The curriculum consists of three areas of study: the roles and responsibilities of planning and zoning board members under the MLUL; understanding the master plan and sub-elements and its

relationship to other local, regional and state planning documents; and the local development application review process.

The course will be offered by organizations that have received prior approval from the Commissioner of the Department of Community Affairs. Approval will only be given to those organizations that offer courses that meet the mandatory curriculum set forth in the rule. A mandatory test will be administered at the end of the course.

All current municipal board members are required to successfully complete the basic course and test within 18 months from the date an approved course is first offered. All members that are appointed after the date an approved course is first offered must successfully complete the course and test within 18 months from the date of their individual board appointment.

DCA will issue certificates of completeness to those members that have successfully completed an approved course. Failure to complete the course within the prescribed time period will result in automatic termination of board membership. A board member who has participated in the decision-making or recommendation for board action, but does not successfully complete the basic course, will not result in invalidation of that particular board action.

DCA will maintain a database that identifies the organizations that offer an approved course, the names and addresses of current and alternate planning and zoning boards members, dates of appointment to respective boards, and the names of members who have been issued certificates of completeness. A list of organizations with DCA approved courses will be available on the OSG website at www.njsmartgrowth.com.

The rule will have an economic impact on the municipalities. Course providers are authorized to charge a reasonable fee to cover the cost of offering the course. Municipalities are obligated to pay the cost of tuition for the education of their planning and zoning board members. Municipalities, however, may defray the cost of tuition through use of the development application fees paid to municipalities pursuant to N.J.S.A. 40:55D-8.